

REMARKS

Claims 32-33, 36-38, 40-41, 43-45, and 47-54 including new claims 51-54 are pending in the application with the present amendments. The allowance of claims 33 and 41 and the indication of allowability as to claims 38 and 45 are appreciated. In the Office Action, claims 32, 36, 37, 40, 43, 44 and 47 were rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 5,872,588 issued February 16, 1999 to *Aras et al.* ("*Aras*"), in view of U.S. Patent No. 5,053,883 issued October 1, 1991 to *Johnson* ("*Johnson*"). Claims 48-50 were rejected under 35 U.S.C. §103(a) as being obvious over *Aras* and *Johnson*, further in view of U.S. Patent No. 5,463,671 issued October 31, 1995 to *Marsh et al.* ("*Marsh*"). For the reasons set forth below, it is respectfully submitted that the presently pending claims are distinguished over the references cited by the Examiner. Reconsideration and allowance is respectfully requested.

Many of the claims, including claims 33, 38, 41 and 45 are amended herein not for the purpose of overcoming any rejections over prior art, but merely to clarify features of the presently claimed invention. It is submitted, therefore, that the amendments made herein to any claims other than claims 32 and 40 are not for a purpose substantially related to the patentability of those claims.

As amended herein, independent claims 32 and 40 now recite a broadcast-program selection history information acquisition apparatus for use in a system having a multiplicity of such apparatuses, and a method, respectively, in which a transmission timing is assigned at random in accordance with an intrinsic random number within a predetermined range of hours beginning at a predetermined time of day in which the multiplicity of broadcast-program selection history information acquisition apparatuses are restricted to transmit.

Neither *Aras* nor *Johnson* teach or suggest this feature. *Aras* merely describes transmitting information regarding program selections when the information acquisition unit is powered on, powered off, or at another time such as when a storage table at the unit becomes full. (col. 16, lns. 34-51; col. 17, lns. 15-20) Neither *Aras* nor *Johnson* teach or suggest the assignment of a transmission timing within a predetermined range of hours beginning at a predetermined time of day.

Nor do *Aras* or *Johnson* teach or suggest the features of the invention as recited in claims 51-54. Neither *Aras*, *Johnson*, nor *Marsh* teach or suggest an apparatus as recited in claim 51 in which authorizing input is required from a user upon restoration of power after a loss of power.

Support for the present amendments is provided, *inter alia*, at pg. 26, ln. 19 through pg. 27, ln. 16 and at pg. 28, ln. 6 through pg. 29, ln. 16.

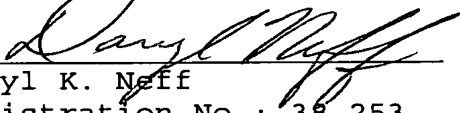
As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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